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May 16, 2018

VIA ECF AND EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
Bernstein.chambers@nysb.uscourts.gov

Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, Adv. Pro. No. 08-01789 (SMB) — Picard v. Shapiro, et al., Adv. Pro. No. 10-05383 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We write respectfully to request the Court’s leave to file a reply brief of no more than five (5) pages in response to the Defendants’ Opposition to the Trustee’s Motion to Compel the Production of Documents.¹

On April 5, 2018, the Trustee filed a Motion to Compel the Production of Documents (ECF Nos. 94–95). On May 4, 2018, the Defendants filed their Opposition to the Trustee’s Motion (ECF No. 99). The Trustee believes a reply brief will clarify the issues in dispute so the hearing on May 22, 2018 can proceed as efficiently as possible.

The Trustee asked Defendants whether they would consent to his seeking leave to file a reply brief, and they responded that they would object to it.

¹ The Trustee seeks leave because Local Rule 9006-1 is unclear whether leave is needed to file a reply brief in connection with a discovery motion.

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consolidated estate of Bernard L. Madoff*